

VOL: I
PAGES: 1-118
EXHIBITS: 1-4

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

* * * * *
SHEILA J. PORTER,
Plaintiff
-vs-
ANDREA CABRAL; SUFFOLK COUNTY
SHERIFF'S DEPARTMENT; SUFFOLK
COUNTY and CORRECTIONAL MEDICAL
SERVICES, INC.,
Defendants
* * * * *

Civil Action
No. 04-11935-DPW

CONFIDENTIAL PURSUANT TO THE PROTECTIVE ORDER

DEPOSITION OF MARY ELLEN MASTRORILLI, a witness
called on behalf of the Plaintiff, in the
above-captioned matter, said deposition being
taken pursuant to the Federal Rules of
Civil Procedure, before Patricia M.
McLaughlin, a Certified Shorthand Reporter and
Notary Public in and for the Commonwealth of
Massachusetts, at the offices of Goodwin Procter
LLP, Exchange Place, Boston, Massachusetts, on
Monday, June 27, 2005, commencing at 10:05 a.m.

McLAUGHLIN & ASSOCIATES COURT REPORTERS
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1 from Miss Jurdak that you had requested on
2 May 19th?

3 A Yes, I did receive it.

4 (Document marked Exhibit No. 3.)

5 Q Miss Mastrorilli, I'll show you what's been
6 marked as Exhibit No. 3, and it appears to be
7 a three-page document. I'd start by asking
8 you if you recognize the second two pages,
9 which appear to be Bates stamped 746 and 747.

10 A Yes, I do recognize these pages.

11 Q What do you recognize those pages to be?

12 A This was the report that I had been waiting
13 for from Sheila that Donna Jurdak delivered.

14 Q I take it when you received the report it was
15 not blacked out in various spots as this
16 document is, correct?

17 A That's correct.

18 Q And do you remember when you received the
19 report? Do you remember the date?

20 A I don't remember the exact date, but I
21 believe it was about ten days to two weeks
22 after I had requested it.

23 Q When you received it, do you recall whether
24 it had the stamp "confidential" at the top,

1 come to your office at 3 o'clock and we'll
2 meet with Sheila and I'll bar her.

3 Q What happened next?

4 A At 3 o'clock, I went to the office, Donna's
5 office. Donna called Sheila in, and I
6 started my conversation by saying something
7 like, Sheila, I need to have a very
8 uncomfortable conversation with you this
9 afternoon. I said it has recently come to my
10 attention that you have divulged confidential
11 medical information with an outside agency
12 and as a result I'm going to have to bar you.
13 I said contract employees are held to the
14 same rules and regulations as county
15 employees.

16 I opened the policy, and I read one or
17 two paragraphs having to do with information
18 being given to outside agencies without
19 authorization. I read those paragraphs, and
20 then I asked is there anything that you'd
21 like to say in your defense or is there
22 anything that in any way would you like to
23 respond. Sheila was very upset, said no,
24 stood up and left the office.

1 She didn't say anything about an incident
2 report.

3 Q You may answer.

4 A Can you give me the question again, please?

5 Q I want to direct your attention to Exhibit
6 No. 2, which Mr. Savage introduced
7 previously. I want to direct your attention
8 to the third sentence, which states, "I
9 directed her."

10 A Yes.

11 Q "I directed her to tell Sheila Porter to
12 document her findings in a confidential
13 incident report and give that report to me."
14 Is the term, confidential incident report,
15 the description of the document that you
16 asked Miss Jurdak to tell Miss Porter to
17 write for you?

18 MR. SAVAGE: Objection.

19 A I believe so based on this, yes.

20 Q And my question is: What was the form that
21 you expected the confidential incident report
22 to take?

23 A We do have an incident report form. What I
24 had received --